

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 27th  
day of August, 1996.

Director of the Division of Manufactured  
Homes, Recreational Vehicles and Modular  
Units of the Public Service Commission,

Complainant,

vs.

Mobile Home Estates, Inc.,  
an Ohio Corporation,

Respondent.

CASE NO. MC-94-47  
(REMAND)

ORDER DISMISSING COMPLAINT

On October 8, 1993, the Staff of the Commission (Staff) filed a complaint against Mobile Home Estates, Inc. (Estates) in which it sought suspension of Estates' registration to conduct business in the State of Missouri. The complaint was based upon Estates' sale of a manufactured home which did not comply with the Manufactured Home Safety and Construction Standards in violation of Section 700.015.1, RSMo 1994. Based upon the provisions of Section 700.115.1, it was Staff's contention that the Commission had authority to suspend Estates' registration pursuant to Section 700.100.3(4).

On September 9, 1994, the Commission issued its Report and Order in which it agreed with the contentions set forth in Staff's complaint. Based upon such findings, the Commission suspended Estates' registration to conduct business in the State of Missouri for a period of one year.

On January 30, 1996, the Missouri Court of Appeals, Western District, entered its decision in which it found that the Commission did not have authority to suspend Estates' licenses for the violation at issue. Based upon this decision, the Court reversed and remanded for consideration of what sanction should be imposed for Estates' violation of Section 700.015.1. Consistent with the findings of the Court of Appeals, the Cole County Circuit Court, on June 17, 1996, remanded this case back to the Commission.

On August 6, 1996, Staff filed a motion to dismiss its complaint without prejudice. Staff states that based upon the findings of the Court of Appeals, it is now apparent that the statutory basis underlying its complaint is erroneous.

Upon review of the findings of the Court of Appeals and Staff's motion, the Commission agrees that the statutory basis underlying Staff's complaint is erroneous. As such, there is no viable complaint currently before the Commission. Thus, the Commission finds that Staff's motion to dismiss should be granted.

**IT IS THEREFORE ORDERED:**

1. That the complaint filed by the Staff of the Commission against Mobile Home Estates, Inc. is hereby dismissed.
2. That this Order shall become effective on the date hereof.

BY THE COMMISSION

(S E A L)



David L. Rauch  
Executive Secretary

McClure, Kincheloe, Crumpton,  
and Drainer, CC., Concur.  
Zobrist, Chm., Absent.

ALJ: Grothoff